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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.            | CONFIRMATION NO. |
|--|-------------|----------------------|--------------------------------|------------------|
| 09/825,100   | 04/03/2001  | Stephen R. Hanna     | SMY 248.01                     | 4446             |
| 25181  | 7590        | 04/07/2005           |                                |                  |
| FOLEY HOAG, LLP<br>PATENT GROUP, WORLD TRADE CENTER WEST<br>155 SEAPORT BLVD<br>BOSTON, MA 02110 |             |                      | EXAMINER<br>ABRISHAMKAR, KAVEH |                  |
|  |             |                      | ART UNIT                       | PAPER NUMBER     |
|  |             |                      | 2131                           |                  |

DATE MAILED: 04/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                               |                              |  |
|------------------------------|-------------------------------|------------------------------|--|
| <b>Office Action Summary</b> | Application No.<br>09/825,100 | Applicant(s)<br>HANNA ET AL. |  |
|                              | Examiner<br>Kaveh Abrishamkar | Art Unit<br>2131             |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 November 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2,4-12,14 and 16-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2,4-12,14 and 16-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This action is in response to the amendment filed on November 26, 2004. Claims 1 –22 were originally received for consideration. Per the received amendment, claims 1, 3, 13, 15 have been canceled, and claims 2, 4, 6, 12, 14, 16, 17, 18, 19, 20 and 21 are amended. Claims 2, 4 – 12, 14, and 16-21 are currently being considered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 2, 4-12, 14, and 16-21 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. The claimed invention is directed to non-statutory subject matter. Claim 1 further discloses a "data signal." This "data signal" can be interpreted as a "signal" which recites nothing but the physical characteristics of a form of energy, which is non-statutory. See MPEP IV.B.1(c).

### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 2, 4-12, 14, and 16-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Dickinson et al. (U.S. Patent No. 6,853,988).

Regarding claim 4, Dickinson discloses:

A method for evaluating a set of credentials comprising at least one group credential, comprising:

ascertaining at least one first trust rating within at least one of said credentials within said set of credentials including said group credential wherein each of said first trust ratings is associated with a level of confidence in information being certified within the respective credential (column 43 lines 6 – 37);

in the event said set of credentials forms a plurality of certification paths having at least one credential in each of said paths, determining for each of said plurality of certification paths a third trust rating equal to the lowest trust rating in the credential of the respective certification path (column 44 lines 1 – 8);

determining a second trust rating for said set of credentials based, at least in part, upon an analysis of said at least one first trust rating by assigned said second trust rating equal to the highest trust rating of said trust ratings (column 44 lines 7-46); and

providing a signal in the event said second trust rating satisfies predetermined criteria (column 45 lines 60-67).

Claim 5 is rejected as applied above in rejecting claim 4. Furthermore, Dickinson discloses:

The method of claim 4 wherein said providing step includes the step of comparing said second trust rating to said predetermined criteria (column 44 lines 1 – 17).

Claim 6 is rejected as applied above in rejecting claim 4. Furthermore, Dickinson discloses:

The method of claim 4 wherein said signal comprises an indication that access should be granted (column 45 lines 60-67).

Claim 7 is rejected as applied above in rejecting claim 6. Furthermore, Dickinson discloses:

The method of claim 6 further including the step of granting access to said resource in response to said indication (column 45 lines 60-67).

Claim 8 is rejected as applied above in rejecting claim 7. Furthermore, Dickinson discloses:

The method of claim 7 wherein said resource comprises a file on a file server (column 49 lines 26-59).

Claim 9 is rejected as applied above in rejecting claim 7. Furthermore, Dickinson discloses:

The method of claim 7 wherein said resource comprises a web page (column 49 lines 26-59).

Claim 10 is rejected as applied above in rejecting claim 7. Furthermore, Dickinson discloses:

The method of claim 7 wherein said resource comprises a secure area (column 49 lines 26-59).

Claim 11 is rejected as applied above in rejecting claim 7. Furthermore, Dickinson discloses:

The method of claim 7 wherein said resource comprises a database (column 49 lines 26-59).

Claim 12 is rejected as applied above in rejecting claim 4. Furthermore, Dickinson discloses:

The method of claim 4 wherein said ascertaining step further includes the step of obtaining an identity credential trust rating associated with an identity credential within said certification path (column 44 lines 7-46).

5. Claims 14, 16-17 are system claims analogous to the method claims 2, 4-12 rejected above, and therefore, are rejected following the same reasoning.
6. Claims 18 is a computer program product claim analogous to the method claims 2,4-12 rejected above, and therefore, is rejected following the same reasoning.
7. Claim 19 is a computer data signal (see 101 rejection above) analogous to the method claims 2,4-12 rejected above, and therefore, is rejected following the same reasoning.
8. Claim 20 is a system claim analogous to the method claims 2, 4-12 rejected above, and therefore, is rejected following the same reasoning.
9. Claims 21-22 are method claims analogous to the method claims 2,4-12 rejected above, and therefore, are rejected following the same reasoning.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kaveh Abrishamkar whose telephone number is 571-272-3786. The examiner can normally be reached on Monday thru Friday 8-5.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



Art Unit: 2131

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KA  
04/01/2005

  
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